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SENATE BILL 807

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Pete Campos

AN ACT

**RELATING TO FINANCING OF HIGHWAY PROJECTS; INCREASING CERTAIN
FUEL TAXES; ADJUSTING DISTRIBUTIONS OF TAX PROCEEDS;
AUTHORIZING THE ISSUANCE OF STATE HIGHWAY BONDS FOR VARIOUS
HIGHWAY PROJECTS THROUGHOUT THE STATE; AMENDING SECTIONS OF THE
NMSA 1978 AND REPEALING A SECTION OF LAWS 1995; MAKING
APPROPRIATIONS.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 7-1-6.7 NMSA 1978 (being Laws 1994,
Chapter 5, Section 2, as amended) is amended to read:**

"7-1-6.7. DISTRIBUTIONS--STATE AVIATION FUND. --

**A. A distribution pursuant to Section 7-1-6.1 NMSA
1978 shall be made to the state aviation fund in an amount
equal to three and fifty-nine hundredths percent of the gross
receipts attributable to the sale of fuel specially prepared**

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1 and sold for use in turboprop or jet-type engines as determined
2 by the department.

3 B. A distribution pursuant to Section 7-1-6.1 NMSA
4 1978 shall be made to the state aviation fund in an amount
5 equal to [~~twenty-six hundredths of one percent~~] the following
6 percentage of gasoline taxes, exclusive of penalties and
7 interest, collected pursuant to the Gasoline Tax Act:

8 (1) prior to August 1, 2003, twenty-six
9 hundredths of one percent;

10 (2) from August 1, 2003 through July 31, 2004,
11 twenty-three hundredths of one percent;

12 (3) from August 1, 2004 through July 31, 2005,
13 twenty-two hundredths of one percent;

14 (4) from August 1, 2005 through July 31, 2006,
15 twenty-one hundredths of one percent; and

16 (5) after July 31, 2006, two-tenths of one
17 percent.

18 C. From July 1, 2002 through June 30, 2007, a
19 distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be
20 made to the state aviation fund in an amount equal to forty-six
21 thousandths of one percent of the net receipts attributable to
22 the gross receipts tax distributable to the general fund."

23 Section 2. Section 7-1-6.8 NMSA 1978 (being Laws 1983,
24 Chapter 211, Section 13, as amended) is amended to read:

25 "7-1-6.8. DISTRIBUTION--MOTORBOAT FUEL TAX FUND.--A

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1 distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be
2 made to the motorboat fuel tax fund in an amount equal to
3 ~~[thirteen hundredths of one percent]~~ the following percentage
4 of the net receipts attributable to the gasoline tax:

5 A. prior to August 1, 2003, thirteen-hundredths of
6 one percent;

7 B. from August 1, 2003 through July 31, 2004,
8 twelve-hundredths of one percent;

9 C. from August 1, 2004 through July 31, 2005,
10 eleven-hundredths of one percent;

11 D. from August 1, 2005 through July 31, 2006,
12 eleven-hundredths of one percent; and

13 E. after July 31, 2006, one-tenth of one percent. "

14 Section 3. Section 7-1-6.9 NMSA 1978 (being Laws 1991,
15 Chapter 9, Section 11, as amended) is amended to read:

16 "7-1-6.9. DISTRIBUTION OF GASOLINE TAXES TO
17 MUNICIPALITIES AND COUNTIES. --

18 A. A distribution pursuant to Section 7-1-6.1 NMSA
19 1978 shall be made in an amount equal to ~~[ten and thirty-eight~~
20 ~~hundredths percent]~~ the following percentage of the net
21 receipts attributable to the taxes, exclusive of penalties and
22 interest, imposed by the Gasoline Tax Act:

23 (1) prior to August 1, 2003, ten and thirty-
24 eight hundredths percent;

25 (2) from August 1, 2003 through July 31, 2004,

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1 nine and twenty-nine hundredths percent;

2 (3) from August 1, 2004 through July 31, 2005,
3 eight and eighty-two hundredths percent;

4 (4) from August 1, 2005 through July 31, 2006,
5 eight and four-tenths percent; and

6 (5) after July 31, 2006, eight and two-
7 hundredths percent.

8 B. [~~Except as provided in Subsection D of this~~
9 ~~section~~] The amount determined in Subsection A of this section
10 shall be distributed as follows:

11 (1) ninety percent of the amount shall be paid
12 to the treasurers of municipalities and H class counties in the
13 proportion that the taxable motor fuel sales in each of the
14 municipalities and H class counties bears to the aggregate
15 taxable motor fuel sales in all of these municipalities and H
16 class counties; and

17 (2) ten percent of the amount shall be paid to
18 the treasurers of the counties, including H class counties, in
19 the proportion that the taxable motor fuel sales outside of
20 incorporated municipalities in each of the counties bears to
21 the aggregate taxable motor fuel sales outside of incorporated
22 municipalities in all of the counties.

23 C. Except as provided in Subsection D of this
24 section, this distribution shall be paid into a separate road
25 fund in the municipal treasury or county road fund for

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1 expenditure only for construction, reconstruction, resurfacing
2 or other improvement or maintenance of public roads, streets,
3 alleys or bridges, including right-of-way and materials
4 acquisition. Money distributed pursuant to this section may be
5 used by a municipality or county to provide matching funds for
6 projects subject to cooperative agreements entered into with
7 the state highway and transportation department pursuant to
8 Section 67-3-28 NMSA 1978. Any municipality or H class county
9 that has created or that creates a "street improvement fund" to
10 which gasoline tax revenues or distributions are irrevocably
11 pledged under Sections 3-34-1 through 3-34-4 NMSA 1978 or that
12 has pledged all or a portion of gasoline tax revenues or
13 distributions to the payment of bonds shall receive its
14 proportion of the distribution of revenues under this section
15 impressed with and subject to these pledges.

16 D. This distribution may be paid into a separate
17 road fund or the general fund of the municipality or county if
18 the municipality has a population less than three thousand or
19 the county has a population less than four thousand."

20 Section 4. Section 7-1-6.19 NMSA 1978 (being Laws 1991,
21 Chapter 9, Section 15, as amended) is amended to read:

22 "7-1-6.19. DISTRIBUTION-- COUNTY GOVERNMENT ROAD FUND
23 CREATED. --

24 A. There is created in the state treasury the
25 "county government road fund".

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1 B. A distribution pursuant to Section 7-1-6.1 NMSA
2 1978 shall be made to the county government road fund in an
3 amount equal to [~~five and seventy-six hundredths percent~~] the
4 following percentage of the net receipts attributable to the
5 gasoline tax:

6 (1) prior to August 1, 2003, five and seventy-
7 six hundredths percent;

8 (2) from August 1, 2003 through July 31, 2004,
9 five and fifteen-hundredths percent;

10 (3) from August 1, 2004 through July 31, 2005,
11 four and nine-tenths percent;

12 (4) from August 1, 2005 through July 31, 2006,
13 four and sixty-six hundredths percent; and

14 (5) after July 31, 2006, four and forty-five
15 hundredths percent. "

16 Section 5. Section 7-1-6.27 NMSA 1978 (being Laws 1991,
17 Chapter 9, Section 20, as amended) is amended to read:

18 "7-1-6.27. DISTRIBUTION--MUNICIPAL ROADS.--

19 A. A distribution pursuant to Section 7-1-6.1 NMSA
20 1978 shall be made to municipalities for the purposes and
21 amounts specified in this section in an aggregate amount equal
22 to [~~five and seventy-six hundredths percent~~] the following
23 percentage of the net receipts attributable to the gasoline
24 tax:

25 (1) prior to August 1, 2003, five and seventy-

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1 six hundredths percent;

2 (2) from August 1, 2003 through July 31, 2004,
3 five and fifteen-hundredths percent;

4 (3) from August 1, 2004 through July 31, 2005,
5 four and nine-tenths percent;

6 (4) from August 1, 2005 through July 31, 2006,
7 four and sixty-six hundredths percent; and

8 (5) after July 31, 2006, four and forty-five
9 hundredths percent.

10 B. The distribution authorized in this section
11 shall be used for the following purposes:

12 (1) reconstructing, resurfacing, maintaining,
13 repairing or otherwise improving existing alleys, streets,
14 roads or bridges, or any combination of the foregoing; or
15 laying off, opening, constructing or otherwise acquiring new
16 alleys, streets, roads or bridges, or any combination of the
17 foregoing; provided that any of the foregoing improvements may
18 include, but are not limited to, the acquisition of rights of
19 way;

20 (2) to provide matching funds for projects
21 subject to cooperative agreements with the state highway and
22 transportation department pursuant to Section 67-3-28 NMSA
23 1978; and

24 (3) for expenses of purchasing, maintaining
25 and operating transit operations and facilities, for the

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1 operation of a transit authority established by the Municipal
2 Transit Law and for the operation of a vehicle emission
3 inspection program. A municipality may engage in the business
4 of the transportation of passengers and property within the
5 political subdivision by whatever means the municipality may
6 decide and may acquire cars, trucks, motor buses and other
7 equipment necessary for operating the business. A municipality
8 may acquire land, erect buildings and equip the buildings with
9 all the necessary machinery and facilities for the operation,
10 maintenance, modification, repair and storage of the cars,
11 trucks, motor buses and other equipment needed. A municipality
12 may do all things necessary for the acquisition and the conduct
13 of the business of public transportation.

14 C. For the purposes of this section:

15 (1) "computed distribution amount" means the
16 distribution amount calculated for a municipality for a month
17 pursuant to Paragraph (2) of Subsection D of this section prior
18 to any adjustments to the amount due to the provisions of
19 Subsections E and F of this section;

20 (2) "floor amount" means four hundred
21 seventeen dollars (\$417);

22 (3) "floor municipality" means a municipality
23 whose computed distribution amount is less than the floor
24 amount; and

25 (4) "full distribution municipality" means a

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1 municipality whose population at the last federal decennial
2 census was at least two hundred thousand.

3 D. Subject to the provisions of Subsections E and F
4 of this section, each municipality shall be distributed a
5 portion of the aggregate amount distributable under this
6 section in an amount equal to the greater of:

7 (1) the floor amount; or

8 (2) eighty-five percent of the aggregate
9 amount distributable under this section [~~times~~] multiplied by a
10 fraction, the numerator of which is the municipality's reported
11 taxable gallons of gasoline for the immediately preceding state
12 fiscal year and the denominator of which is the reported total
13 taxable gallons for all municipalities for the same period.

14 E. Fifteen percent of the aggregate amount
15 distributable under this section shall be referred to as the
16 "redistribution amount". Beginning in August 1990, and each
17 month thereafter, from the redistribution amount there shall be
18 taken an amount sufficient to increase the computed
19 distribution amount of every floor municipality to the floor
20 amount. In the event that the redistribution amount is
21 insufficient for this purpose, the computed distribution amount
22 for each floor municipality shall be increased by an amount
23 equal to the redistribution amount [~~times~~] multiplied by a
24 fraction, the numerator of which is the difference between the
25 floor amount and the municipality's computed distribution

. 143389. 1

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1 amount and the denominator of which is the difference between
2 the product of the floor amount multiplied by the number of
3 floor municipalities and the total of the computed distribution
4 amounts for all floor municipalities.

5 F. If a balance remains after the redistribution
6 amount has been reduced pursuant to Subsection E of this
7 section, there shall be added to the computed distribution
8 amount of each municipality that is neither a full distribution
9 municipality nor a floor municipality an amount that equals the
10 balance of the redistribution amount [~~times~~] multiplied by a
11 fraction, the numerator of which is the computed distribution
12 amount of the municipality and the denominator of which is the
13 sum of the computed distribution amounts of all municipalities
14 that are neither full distribution municipalities nor floor
15 municipalities. "

16 Section 6. Section 7-1-6.28 NMSA 1978 (being Laws 1991,
17 Chapter 9, Section 22, as amended) is amended to read:

18 "7-1-6.28. DISTRIBUTION--MUNICIPAL ARTERIAL PROGRAM OF
19 LOCAL GOVERNMENTS ROAD FUND.--A distribution pursuant to
20 Section 7-1-6.1 NMSA 1978 shall be made to the municipal
21 arterial program of the local governments road fund created in
22 Section 67-3-28.2 NMSA 1978 in an amount equal to [~~one and~~
23 ~~forty-four hundredths percent~~] the following percentage of the
24 net receipts attributable to the gasoline tax:

25 A. prior to August 1, 2003, one and forty-four

. 143389. 1

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1 hundredths percent;

2 B. from August 1, 2003 through July 31, 2004, one
3 and twenty-nine hundredths percent;

4 C. from August 1, 2004 through July 31, 2005, one
5 and twenty-two hundredths percent;

6 D. from August 1, 2005 through July 31, 2006, one
7 and seventeen-hundredths percent; and

8 E. after July 31, 2006, one and eleven-hundredths
9 percent. "

10 Section 7. Section 7-1-6.39 NMSA 1978 (being Laws 1995,
11 Chapter 6, Section 9) is amended to read:

12 "7-1-6.39. DISTRIBUTION OF SPECIAL FUEL EXCISE TAX TO
13 LOCAL GOVERNMENTS ROAD FUND. -- A distribution pursuant to
14 Section 7-1-6.1 NMSA 1978 shall be made to the local
15 governments road fund in an amount equal to [~~eleven and eleven~~
16 ~~hundredths percent~~] the following percentage of the net
17 receipts attributable to the taxes, exclusive of penalties and
18 interest, from the special fuel excise tax imposed by the
19 Special Fuels Supplier Tax Act:

20 A. prior to August 1, 2003, eleven and eleven-
21 hundredths percent;

22 B. from August 1, 2003, through July 31, 2004, ten
23 and fifty-three hundredths percent;

24 C. from August 1, 2004 through July 31, 2005, ten
25 percent;

. 143389. 1

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1 D. from August 1, 2005 through July 31, 2006, nine
2 and fifty-two hundredths percent; and

3 E. after July 31, 2006, nine and nine-hundredths
4 percent. "

5 Section 8. Section 7-13-3 NMSA 1978 (being Laws 1971,
6 Chapter 207, Section 3, as amended) is amended to read:

7 "7-13-3. IMPOSITION AND RATE OF TAX--DENOMINATION AS
8 "GASOLINE TAX".--

9 A. For the privilege of receiving gasoline in this
10 state, there is imposed an excise tax at a rate provided in
11 Subsection B of this section on each gallon of gasoline
12 received in New Mexico.

13 B. The tax imposed by Subsection A of this section
14 shall be [~~seventeen cents (\$.17)~~] at the following rate per
15 gallon received in New Mexico:

16 (1) prior to July 1, 2003, seventeen cents
17 (\$.17);

18 (2) from July 1, 2003 through June 30, 2004,
19 nineteen cents (\$.19);

20 (3) from July 1, 2004 through June 30, 2005,
21 twenty cents (\$.20);

22 (4) from July 1, 2005 through June 30, 2006,
23 twenty-one cents (\$.21); and

24 (5) after June 30, 2006, twenty-two cents
25 (\$.22).

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1 C. The tax imposed by this section may be called
2 the "gasoline tax". "

3 Section 9. Section 7-16A-3 NMSA 1978 (being Laws 1992,
4 Chapter 51, Section 3, as amended) is amended to read:

5 "7-16A-3. IMPOSITION AND RATE OF TAX--DENOMINATION AS
6 SPECIAL FUEL EXCISE TAX. --

7 A. For the privilege of receiving or using special
8 fuel in this state, there is imposed an excise tax at a rate
9 provided in Subsection B of this section on each gallon of
10 special fuel received in New Mexico.

11 B. The tax imposed by Subsection A of this section
12 shall be [~~eighteen cents (\$.18)~~] at the following rate per
13 gallon of special fuel received or used in New Mexico:

14 (1) prior to July 1, 2003, eighteen cents
15 (\$.18);

16 (2) from July 1, 2003 through June 30, 2004,
17 nineteen cents (\$.19);

18 (3) from July 1, 2004 through June 30, 2005,
19 twenty cents (\$.20);

20 (4) from July 1, 2005 through June 30, 2006,
21 twenty-one cents (\$.21); and

22 (5) after June 30, 2006, twenty-two cents
23 (\$.22).

24 C. The tax imposed by this section may be called
25 the "special fuel excise tax". "

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1 Section 10. Section 67-3-59.1 NMSA 1978 (being Laws 1989,
2 Chapter 157, Section 1, as amended) is amended to read:

3 "67-3-59.1. STATE HIGHWAY DEBENTURES--ISSUANCE--
4 LIMITS--APPROVAL--COUPONS.--

5 A. In order to provide funds to finance state
6 highway projects, including state highway projects that are
7 required for the waste isolation pilot project and are eligible
8 for federal reimbursement or payment as authorized by federal
9 legislation, the state [~~highway~~] transportation commission is
10 authorized, subject to the limitations of this section, to
11 issue bonds from time to time, payable from federal funds not
12 otherwise obligated that are paid into the state road fund and
13 the proceeds of the collection of taxes and fees that are
14 required by law to be paid into the state road fund and not
15 otherwise pledged solely to the payment of outstanding bonds
16 and debentures.

17 B. Except as provided in [~~Subsections C and D~~]
18 Subsection C of this section, the total aggregate outstanding
19 principal amount of bonds issued from time to time pursuant to
20 this section, secured by or payable from federal funds not
21 otherwise obligated that are paid into the state road fund and
22 the proceeds from the collection of taxes and fees required by
23 law to be paid into the state road fund, shall not, without
24 additional authorization of the state legislature, exceed one
25 hundred fifty million dollars (\$150,000,000) at any given time,

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1 subject to the following provisions:

2 (1) the total aggregate outstanding principal
3 amount of bonds issued for state highway projects that are
4 required for the waste isolation pilot project and are eligible
5 for federal reimbursement or payment as authorized by federal
6 legislation shall not exceed one hundred million dollars
7 (\$100,000,000); and

8 (2) the total aggregate outstanding principal
9 amount of bonds issued for state highway projects other than
10 state highway projects that are required for the waste
11 isolation pilot project and are eligible for federal
12 reimbursement or payment as authorized by federal legislation
13 shall not exceed fifty million dollars (\$50,000,000).

14 C. Upon specific authorization and appropriation by
15 the legislature, [~~and subject to the limitations of Subsection~~
16 ~~D of this section~~] an additional amount of bonds may be issued
17 pursuant to this section for state highway projects, to be
18 secured by or payable from taxes or fees required by law to be
19 paid into the state road fund and federal funds not otherwise
20 obligated that are paid into the state road fund, and, as
21 applicable, taxes or fees required by law to be paid into the
22 highway infrastructure fund, as follows:

23 (1) an aggregate outstanding principal amount
24 of bonds, not to exceed six hundred twenty-four million dollars
25 (\$624,000,000), for major highway infrastructure projects for

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1 which the department has, prior to January 1, 1998, submitted
2 or initiated the process of submitting a plan to the federal
3 highway administration for innovative financing pursuant to 23
4 USCA Sections 122 and 307;

5 (2) an aggregate outstanding principal amount
6 of bonds, not to exceed one hundred million dollars
7 (\$100,000,000), for state highway projects that are required
8 for the waste isolation pilot project and are eligible for
9 federal reimbursement; and

10 (3) an aggregate outstanding principal amount
11 of bonds, not to exceed [~~four hundred million dollars~~
12 ~~(\$400,000,000)~~] nine hundred fifteen million six hundred sixty
13 thousand dollars (\$915,660,000), for other state highway
14 projects.

15 [~~D. The total amount of bonds that may be issued by~~
16 ~~the state highway commission for state highway projects~~
17 ~~pursuant to Subsection C of this section shall not exceed a~~
18 ~~total aggregate outstanding principal amount of:~~

19 (1) ~~three hundred million dollars~~
20 ~~(\$300,000,000) prior to July 1, 1999;~~

21 (2) ~~six hundred million dollars (\$600,000,000)~~
22 ~~from July 1, 1999 through June 30, 2000;~~

23 (3) ~~nine hundred million dollars~~
24 ~~(\$900,000,000) from July 1, 2000 through June 30, 2001; and~~

25 (4) ~~one billion one hundred twenty-four~~

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1 ~~million dollars (\$1,124,000,000) after June 30, 2001.~~

2 ~~E.]~~ D. The state [~~highway~~] transportation
3 ~~commission~~ may issue bonds to refund other bonds issued
4 pursuant to this section by exchange or current or advance
5 refunding.

6 ~~[F.]~~ E. Each series of bonds shall have a maturity
7 of no more than twenty-five years from the date of issuance.
8 The state [~~highway~~] transportation ~~commission~~ shall determine
9 all other terms, covenants and conditions of the bonds;
10 provided that the bonds shall not be issued pursuant to this
11 section unless the state board of finance approves the issuance
12 of the bonds and the principal amount of and interest rate or
13 maximum net effective interest rate on the bonds.

14 ~~[G.]~~ F. The bonds shall be executed with the manual
15 or facsimile signature of the chairman of the state [~~highway~~]
16 transportation ~~commission~~, countersigned by the state treasurer
17 and attested to by the secretary of the state [~~highway~~]
18 transportation ~~commission~~, with the seal of the state [~~highway~~]
19 transportation ~~commission~~ imprinted or otherwise affixed to the
20 bonds.

21 ~~[H.]~~ G. Proceeds of the bonds may be used to pay
22 expenses incurred in the preparation, issuance and sale of the
23 bonds and, together with the earnings on the proceeds of the
24 bonds, may be used to pay rebate, penalty, interest and other
25 obligations relating to the bonds and the proceeds of the bonds

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1 under the Internal Revenue Code of 1986, as amended.

2 ~~[I.]~~ H. The bonds may be sold at a public or
3 negotiated sale at, above or below par or through the New
4 Mexico finance authority. Any negotiated sale shall be made
5 with one or more investment ~~[banker]~~ bankers whose services are
6 obtained through a competitive proposal process. For any sale,
7 the state ~~[highway]~~ transportation commission or the New Mexico
8 finance authority shall also procure the services of any
9 financial advisor or bond counsel through a competitive
10 proposal process. If sold at public sale, a notice of the time
11 and place of sale shall be published in a newspaper of general
12 circulation in the state, and in any other newspaper determined
13 in the resolution authorizing the issuance of the bonds, once
14 each week for two consecutive weeks prior to the date of sale.
15 The bonds may be purchased by the state treasurer or state
16 investment officer.

17 ~~[J.]~~ I. This section is full authority for the
18 issuance and sale of the bonds, and the bonds shall not be
19 invalid for any irregularity or defect in the proceedings for
20 their issuance and sale and shall be incontestable in the hands
21 of bona fide purchasers or holders of the bond for value.

22 ~~[K.]~~ J. The bonds shall be legal investments for
23 any person or board charged with the investment of public funds
24 and may be accepted as security for any deposit of public money
25 and, with the interest thereon, are exempt from taxation by the

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1 state and any political subdivision or agency of the state.

2 [~~L-~~] K. Any law authorizing the imposition or
3 distribution of taxes or fees paid into the state road fund or
4 the highway infrastructure fund or that affects those taxes and
5 fees shall not be amended or repealed or otherwise directly or
6 indirectly modified so as to impair any outstanding bonds
7 secured by a pledge of revenues from those taxes and fees paid
8 into the state road fund or the highway infrastructure fund,
9 unless the bonds have been discharged in full or provisions
10 have been made for a full discharge. In addition, while any
11 bonds issued by the state [~~highway~~] transportation commission
12 pursuant to the provisions of this section remain outstanding,
13 the powers or duties of the commission shall not be diminished
14 or impaired in any manner that will affect adversely the
15 interests and rights of the holder of such bonds.

16 [~~M-~~] L. In contracting for state highway projects
17 to be paid in whole or in part with proceeds of bonds
18 authorized by this section, the department shall require that
19 any sand, gravel, caliche or similar material needed for the
20 project shall, if practicable, be mined from state lands. Each
21 contract shall provide that the contractor notify the
22 commissioner of public lands of the need for the material and
23 that, through lease or purchase, the material shall be mined
24 from state lands if:

- 25 (1) the material needed is available from

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1 state lands in the vicinity of the project;

2 (2) the commissioner determines that the lease
3 or purchase is in the best interest of the state land trust
4 beneficiaries; and

5 (3) the cost to the contractor for the
6 material, including the costs of transportation, is competitive
7 with other available material from non-state lands.

8 [~~N.~~] M. Bonds issued pursuant to this section shall
9 be paid solely from federal funds not otherwise obligated and
10 taxes and fees deposited into the state road fund and, as
11 applicable, the highway infrastructure fund, and shall not
12 constitute a general obligation of the state."

13 Section 11. STATE HIGHWAY BONDS--PURPOSES FOR WHICH
14 ISSUED--APPROPRIATION OF PROCEEDS.--

15 A. The state transportation commission may issue
16 and sell state highway bonds in compliance with the provisions
17 of Section 67-3-59.1 NMSA 1978 in an amount not to exceed the
18 total of the amounts authorized for purposes specified in this
19 section when the commission determines the need for the
20 issuance of the bonds. The state transportation commission
21 shall schedule the issuance and sale of the bonds in the most
22 expeditious and economic manner possible upon a finding by the
23 commission that the project has been developed sufficiently to
24 justify the issuance and that the project can proceed to
25 contract within a reasonable time. The proceeds from the sale

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1 of the bonds are appropriated to the state highway and
2 transportation department in the following amounts for the
3 following purposes:

4 (1) one hundred twenty-nine million three
5 hundred thousand dollars (\$129,300,000) for improvement and
6 widening of United States highway 666 to a four-lane highway
7 from Tohatchi to Shiprock;

8 (2) one hundred eighty million dollars
9 (\$180,000,000) for improvement of United States highway 54 from
10 Tularosa to Santa Rosa;

11 (3) fifty million dollars (\$50,000,000) for
12 reconstruction of the interstate 40 and Coors boulevard
13 interchange in Albuquerque;

14 (4) seventy-six million three hundred sixty
15 thousand dollars (\$76,360,000) for improvement and widening of
16 United States highway 62 and 180 to a four-lane highway from
17 Carlsbad to the Texas state line; and

18 (5) one hundred twenty-five million dollars
19 (\$125,000,000) for improvement and widening United States
20 highway 64 and 87 from two to four lanes between Raton and
21 Clayton.

22 B. The appropriations of state highway bond
23 proceeds in Subsection A of this section are in addition to the
24 amounts of bonds authorized in Laws 1998, Chapter 84, Section 1
25 and Laws 1998, Chapter 85, Section 1, except that the amount

. 143389. 1

1 authorized in Paragraph (1) of Subsection A of this section is
2 the total amount authorized for the project that was originally
3 authorized in Subsection G of Section 1 of Chapter 85 of Laws
4 1998.

5 C. For the purposes of this section, "improvement"
6 or "reconstruction" includes planning, designing, engineering,
7 construction and acquisition of rights of way.

8 Section 12. REPEAL. --Laws 1995, Chapter 6, Section 11 is
9 repealed.

10 Section 13. APPLICABILITY. --The provisions of Sections 1
11 through 7 of this act apply to revenue received by the taxation
12 and revenue department on or after August 1 of the applicable
13 year.